



October 16, 2020

Lori Guernon
Avid Marketing Group
100 Corporate Place
Suite 200
Rocky Hill, CT 06067
On behalf of Heineken USA
VIA E-MAIL

RE: Heineken® Rebates

Dear Ms. Guernon:

ISSUE: This correspondence is in response to your e-mail dated September 30, 2020, wherein you request approval to conduct two rebate promotions in Pennsylvania.

According to the terms and conditions of the first rebate coupon, consumers can save \$10.00 by mail on the purchase of one Heineken® 5L DraughtKeg™ and one six-pack (equivalent or larger) of Heineken®, Heineken® Light, or Heineken® 0.0. To redeem the rebate, the consumer must mail a copy of the cash register receipt, the UPC label, and the mail-in rebate form to the address provided. The rebate promotion was scheduled to begin on October 15, 2020 and ends on February 15, 2021. The rebate is open only to adults who are at least twenty-one years of age at the time of purchase and is limited to one rebate per individual, household, family or street address.

According to the terms and conditions of the second rebate coupon, consumers can save \$10.00 digitally on the purchase of one Heineken® 5L DraughtKeg™ and one six-pack (equivalent or larger) of Heineken®, Heineken® Light, or Heineken® 0.0. To redeem the rebate, the consumer must follow the consumer journey, attached to your e-mail, and will receive the rebate through Venmo or PayPal. The rebate promotion was scheduled to begin on October 15, 2020 and ends on February 15, 2021. The rebate is open only to adults who are at least twenty-one years of age at the time of purchase and is limited to one rebate per individual, e-mail address, and

receipt. The terms and conditions also state that the rebate coupon is valid at all participating licensed off-premise retailers in participating states.

OPINION: This office has reviewed the proposed rebate offers and has determined that they partially comport with applicable liquor laws and regulations, specifically subsection 493(24)(i) of the Liquor Code, 47 P.S. § 4-493(24)(i), and are acceptable for use in this Commonwealth. However, with regard to the Heineken 0.0 portion of each rebate coupon, this would be prohibited.

Section 493(24)(i) of the Liquor Code generally prohibits licensees from offering anything of value to induce the purchase of alcoholic beverages. 47 P.S. § 4-493(24)(i). Although section 493(24)(i) provides an exception for manufacturers and agents of manufacturers to offer monetary rebates on purchases of wine and spirits through the Pennsylvania Liquor Control Board's ("PLCB") Fine Wine & Good Spirits stores or purchases of malt or brewed beverages through distributors and importing distributors, there is no exception allowing coupons offering discounts on non-alcoholic products. Therefore, if a promotion requires a consumer to purchase alcohol in order to receive a discount on a non-alcoholic product, it would be an unlawful inducement under section 493(24)(i). In this case, the consumer must purchase a DraughtKeg[™] and Heineken[®] 0.0, a non-alcoholic product, in order to obtain the rebate. Therefore, this portion of each rebate coupon would be prohibited.

With regard to the digital rebate, this rebate is not acceptable for use at retail licensee establishments, such as a restaurant licensee, because a retail licensee is neither a manufacturer nor an agent of a manufacturer offering monetary rebates on purchases at either a PLCB's Fine Wine & Good Spirits Store or through a distributor or an importing distributor as required by the Liquor Code. 47 P.S. § 4-493(24)(i). Therefore, the provision of the proposed rebate that allows for the rebate to be redeemed at retail licensees would be impermissible in Pennsylvania.

Please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and retail licensed premises POS material is no longer required. However, the requirement for prior approval of POS material intended for use in the PLCB's Fine Wine & Good Spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising material relating to any one brand of

any one manufacturer at any one time may not exceed \$300.00 on retail licensed premises. 47 P.S. § 4-493(20)(i).

Therefore, it would be permissible to conduct the proposed rebate offers with regard to Heineken® 5L DraughtKeg™, Heineken®, and Heineken® Light in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the PLCB's Fine Wine & Good Sprits stores, subject to approval of the Bureau of Product Selection (POS only).
- other – Internet, text messaging.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Sincerely,



RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 20-250

FILE INFO

FILENAME: HEI2207545W_Heineken_
DraughtKeyHoliday_tprnm_mch.indd

DESCR: Tear pad MIR

OFFER: Heineken \$10 MIR

CLIENT: Heineken

SPECS

TRIM SIZE: 5" x 3"

BLEED: .125"

SAFETY: .125"

DATE: 08/28/20

MECH BUILT @ 100%

COMP PRINTED @ 100%

PRINT FINAL @ 100%

100 Corporate Place
2nd Floor, Suite 200 • Rocky Hill, CT 06067
P 860.436.3004 • www.avidinc.com

COLORS (PRINTOUT NOT FOR
COLOR MATCH)



4/1 PROCESS

SPECIAL INSTRUCTIONS

AMG CONTACT: Erica Anderson, 860.436.3004



MAIL-IN REBATE OFFER VALID 10/15/2020 – 02/15/2021

SAVE \$10 BY MAIL



with the purchase of
**ONE (1) Heineken® 5L
DraughtKeg™ AND ONE (1)
6-pack (equivalent or larger)
of HEINEKEN®, HEINEKEN®
Light or HEINEKEN® 0.0.**

See reverse for details.

MAIL-IN REBATE OFFER VALID 10/15/2020 – 02/15/2021

1
COMPLETE

*Name (please print) _____ *Date of Birth MM/DD/YY

*Street Address (no P.O. Boxes) _____

*City, State, ZIP _____ Phone (including area code) _____

E-Mail Address _____ Retailer Name (where you obtained this offer) _____

I certify that I am 21 years of age or older and that the information provided herein is correct. I understand that providing false information is illegal and that incomplete forms and forms received without a signature will be void and not redeemed or returned. By signing, I acknowledge that I have read and understand the Terms and Conditions of this Rebate Offer printed below and that I have complied with them in full.

Yes, I'd like to receive special offers and news about HEINEKEN USA Inc. products.

*Signature **Required Fields*

TERMS AND CONDITIONS OF REBATE OFFER. MUST BE A RESIDENT OF A VALID STATE AND AT LEAST 21 YEARS OF AGE OR OLDER AT TIME OF PURCHASE.

Offer valid in all states EXCEPT AL, AR, HI, IL, IN, KY, LA, ME, MO, NC, TX, UT & WY.

To receive \$10 through this mail-in rebate, you must purchase ONE (1) Heineken® 5L DraughtKey™ AND ONE (1) 6-pack (equivalent or larger) of HEINEKEN®, HEINEKEN® Light or HEINEKEN® 0.0.

2
SEND

- This completed Official Mail-In Rebate Offer Form
- The cutout of the original UPC label for EACH qualifying product packaged with a UPC label
- The original cash register receipt(s) with EACH qualifying product price circled

3
MAIL TO

Inmar Rebate Center
Attn: \$10 Holiday Draught MIR
Program HK201770
P.O. BOX 426008
Del Rio, TX 78842-6008

REDEMPTION: Maximum of one (1) rebate per individual household, family or street address. Photocopies of the cash register receipt(s), UPC labels or this Official Mail-In Rebate Form will not be accepted or returned (unless otherwise prohibited by law). Signature is required on Rebate Offer Form. HEINEKEN USA Inc. reserves the right to confirm rebate recipient's identification and age. Tax remains the responsibility of the consumer. Offer may not be combined with any other offer. Offer not available to groups or organizations, or to employees of HEINEKEN USA Inc., its affiliated companies and agencies, licensed alcohol beverage suppliers, wholesalers, and retailers, or members of their immediate families or households. HEINEKEN USA Inc. is not responsible for lost, misdirected, illegible, incomplete, erroneous, late, or postage-due rebate requests and reserves the right to reject any rebate submission that it determines, in its sole discretion, is not in full compliance with these Terms and Conditions. Fraudulent submissions may result in federal prosecution. We will only use your data in accordance with our Privacy Policy, which you can review at <https://heinekenusa.com/privacy-policy/>. By submitting this Rebate Offer Form, you hereby agree to Sponsor's collection and use of your personal information and acknowledge that you have read and accepted Sponsor's Privacy Policy. Allow 8-10 weeks for delivery of rebate check. Void where prohibited, taxed or restricted by law. Original cash register receipt(s) must be dated between 10/15/2020 and 02/15/2021. All requests for a rebate must be postmarked no later than 03/02/2021 and received by 03/17/2021. Offer NOT redeemable in store. For questions or to check the status of your refund, please visit <https://inmarrebates.com>.

©2020 HEINEKEN® Original, HEINEKEN® Light Lager Beer and HEINEKEN® 0.0 Alcohol Free Malt Beverage. Brewed in Holland. Imported by HEINEKEN USA, White Plains, NY. HK201770

Please visit:
EnjoyHeinekenResponsibly.com

SAVE \$10



on the purchase of ONE (1)
HEINEKEN® 5L DraughtKeg™
AND ONE (1) HEINEKEN® 6-pack.

You must be 21 or older to participate

By clicking verify, I agree to the website
[Terms of Use](#) and acknowledge the [Privacy Policy](#).

Date of Birth

MM

DD

YYYY

State

STATE



VERIFY

[Privacy Policy](#)

[Terms of Use](#)

Enjoy Responsibly.

©2020 HEINEKEN® Original Lager Beer.

Brewed in Holland. Imported by HEINEKEN USA, White Plains, NY.

SAVE \$10



on the purchase of ONE (1)
HEINEKEN® 5L DraughtKeg™
AND ONE (1) HEINEKEN® 6-pack.



SHOP.

ONE (1) HEINEKEN® 5L
DraughtKeg™ AND ONE (1)
6-pack of HEINEKEN®, HEINEKEN®
Light OR HEINEKEN® 0.0.

[Click here](#) for details.



SNAP.

a photo of your receipt*



EARN.SM

cash back via PayPal
or Venmo!

LET'S DO IT!

[Having trouble? Contact us!](#)

[Privacy Policy](#)

[Terms of Use](#)

*Receipts must be itemized (include product name, package size, and price). Credit card receipts are not valid.
One receipt per image.

Enjoy Responsibly.

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Brewed in Holland. Imported by HEINEKEN USA, White Plains, NY.

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[Your Privacy Rights](#)

SNAP

a pic of your receipt

**In order to receive cash back,
please ensure the following:**

- 1. One receipt per image**
If your receipt is too long, click "Add Section"
 - 2. Receipt is vertical in the image**
(TOP TO BOTTOM)
 - 3. Product, date and total are**
-

TAP TO SNAP



Having trouble? Contact us!

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Can you read the text? If you can't, we can't
either 😊 Tap retake to snap again!

Top Shelf Wine & Liquors

267 Oakland Rd.
South Windsor, CT
860-644-6107

Transaction

00933	PACK		6PK BOTTLES	
1	24048	@ \$8.99		\$8.99
00933	PACK DEPOSIT			
1	24048	@ \$0.30		\$0.30 DEP
	CASH TENDERED			

# Items		1
Subtotal		\$9.29
Sales Tax		\$0.57
Total Sale		\$9.86
Tendered		\$20.00
Change Due		\$10.14

Long receipt? Tap 'Add Section' to capture it all.



RETAKE



ADD SECTION



NEXT

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[Your Privacy Rights](#)

GREAT!

Now we just need some information

How do you want your rebate?

PayPal

Venmo

EMAIL*

Enter your email so we can send your money via PayPal.
You must have a valid PayPal email address.

- By checking this box, I agree to the [terms of this offer](#) and acknowledge the [Privacy Policy](#) of this website.*
- By checking this box, you represent that you are at least 21 years of age and agree to receive email communications from Heineken USA about products and offers that may be of interest to you.

*Required Fields



SUBMIT

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[Terms of Use](#)

Enjoy Responsibly.

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[Your Privacy Rights](#)

GREAT!

Now we just need some information

How do you want your rebate?

PayPal

Venmo

EMAIL*

PHONE NUMBER*

Please enter the phone number associated with your Venmo account. This must be a valid mobile phone number, standard messaging rates may apply.

- By checking this box, I confirm that I have provided the phone number associated with my Venmo account. I understand if the phone number is incorrect I am at risk of not receiving my rebate.*
- By checking this box, I agree to the [terms of this offer](#) and acknowledge the [Privacy Policy](#) of this website.*

*Required Fields



SUBMIT

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SUCCESS



Your submission has been received.
We will verify your purchase and send your
rebate via PayPal within 48 business hours.

Your PayPal rebate will be sent via email from
Avid Inc. once this is complete.



SHARE WITH YOUR FRIENDS



Having trouble? Contact us!

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Enjoy Responsibly.

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SUCCESS



Your submission has been received.
We will verify your purchase and send your
rebate via PayPal within 48 business hours.

Your PayPal rebate will be sent via email from
Avid Inc. once this is complete.

venmo

SHARE WITH YOUR FRIENDS



Having trouble? Contact us!

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Enjoy Responsibly.

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SAVE \$10

on the purchase of ONE (1)
HEINEKEN® 5L DraughtKeg™ AND
ONE (1) HEINEKEN® 6-pack.



HELLO!

**Your submission for Heineken has been approved!
You should receive an email from PayPal shortly with
information about how to accept your payment of \$10.**

Enjoy Responsibly.

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